GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:1987
ANSWERED ON:28.11.2016
Child Labour in Family Run Businesses
Ering Shri Ninong

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a)whether the latest amendment made/proposed to be made to the Child Labour (Prohibition and Regulation) Amendment Act, 2016 has legalised/propsoes to legalise children below the age of 14 to work in family run businesses after schools hours and if so, the details thereof;
(b)the steps taken by the Government to ensure that children are not allowed to take part in family run businesses that could be termed hazardous and the definition of "family" in this context;
(c)whether the said amendment has reduced/proposes to reduce the number of hazardous occupations from 83 to 3;
(d)if so, the details thereof; and
(e)the criteria adopted for deciding the hazardousness of an occupation?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI BANDRU DATTATREYA)

(a) & (b): The Child Labour (Prohibition & Regulation) Act, 1986 has been amended to prohibit employment of children below 14 years of age in all occupations and processes and the employment of adolescents in hazardous occupations and processes. However, considering the social fabric and socio-economic conditions in the country, an exception has been made where the child is permitted to help his family or in family enterprises, which is other than any hazardous occupations or processes set forth in the Schedule, only
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after school hours or during vacations. It is important to note that the word used is "help" and this doesn't include "engagement in employment" or the situation where a relationship of "employer-employee" exists. In Amendment Act, "family enterprises" means any work, profession, manufacture or business which is performed by the members of the family of the child with the engagement of other persons. The amendment empowers the appropriate Government to confer powers and impose duties on a District Magistrate for securing effective compliance of the provisions of the Act. Further, the State Action Plan has been circulated to all the States/UTs for ensuring effective implementation of the provisions of the amended Act.
(c) & (d): The new Schedule in the Amendment Act has been introduced with 3 groups/ categories of hazardous occupations and processes and not the list of 3 hazardous occupations and processes. Further, the Schedule would be elaborated and occupation/process may be added on the basis of the recommendations of the Technical Advisory Committee constituted under the provisions of this Act.
(e): Occupations and processes as hazardous are decided as per the recommendations of Technical Advisory Committee comprising the Members from medical background/health services. To be termed any occupation/process as hazardous, the Committee examine as to whether the employment or work in that particular occupation/process is unsuitable for physical and mental development of children/adolescents.

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